THE CASE OF AN Oath of Abjuration CONSIDERED:

AND THE

VOTE of the HONORABLE HOUSE of COMMONS Vindicated.

IN A

LETTER

To a Friend.

LONDON,
Printed for the Author. 1693.

SIR,

I Was greatly amazed to hear you, the other day, ſo paſſionately concerned in Behalf of the *Oath of Abjuration*; as tho our whole Stake and Safety, depended on its Paſſing on the Nation. This convinc'd me, that it is not impoſſible for People to intend the ſame *End* by the moſt different Means imaginable; for I verily believe, there are not two Men in *England*, that in their Hearts do more ſincerely love their preſent Majeſties, nor that, according to their poor Capacities and Stations, ſerve them better than you and I. And yet I tell you now, as I forbore not to tell you then, that I think *an Oath of Abjuration*, is as unlikely a thing to ſerve their preſent Majeſties, as any One thing in the World beſides. You told me then moreover, that ſome good underſtanding People of your Acquaintance were very much offended at the *Houſe of Commons*, for throwing out that Bill *twice*, in two ſucceſſive Seſſions, and that they were looked upon rather as *Enemies*, than *Friends*, to the Preſent Government. I told you then moreover, that your Acquaintance might be both good and underſtanding People, but that they made very bold with the *Houſe of Commons*, and were not underſtanding enough in theſe Affairs, to paſs a true Judgment on them; and that it was a moſt pernicious thing, to look on all, that are not of our Mind, as Enemies. There being nothing more ſure, than that two Parties may do, as you and I do, differ exceedingly in the Means of ſecuring and

ſupporting the Government, and yet both wiſh and intend the ſecuring and ſupporting of it; as there is no doubt to be made, but both ſides of the Houſe of Commons did. Both ſides may be right in their Intention, *i. e.* intend the Peace and Welfare of the Kingdom, tho the Means they pitch upon, may be very different; ſo different that the contrary ſide may fancy they are truly deſtructive of the End they aim at, without believing that the Perſons concerned, deſign any other than good, to Their Majeſties and the Kingdom. With this you ſeem'd to be for the preſent ſatisfied; but ſince, I underſtand, you begin to change your Mind again, and deſire me to ſet down in Writing, upon what Reaſons I ground my Opinion of the Miſchief of an Oath of Abjuration, and ſend them to you, I have agreed to do ſo; and I ſuppoſe, I ſhall ſufficiently ſatisfie all your Scruples, if I ſhall ſhew you theſe Three Things:

Firſt, That an Oath of Abjuration is altogether New and Strange in *England*.

Secondly, That it is altogether Needleſs.

Thirdly, That it is altogether Impoſſible to be kept.

1. An Oath of Abjuration is altogether *Strange* and *New* in *England*. The Line of Succeſſion hath been as frequently interrupted in *England*, as in any Hereditary Kingdom in the World beſides. And therefore there hath been as much need of an Oath of Abjuration here, as any where, and yet we have never had one. It is not for want of Inſtances, but to ſpare your Time and Patience, that I run not up beyond the Conqueſt, but will begin there. What Right or Title *William* the Conqueror had to theſe Kingdoms, every Body knows as well as any Body. The Right of *Promiſe* from *Edward the Confeſſor*, if it were true, as he pretended it, yet was no Right at all; for what Power has a King of *England* of himſelf to give or beſtow the Kingdom to whom he pleaſes? But however

however, he alſo gave it to *Harold* on his Death-Bed. So the *Chron. Saxon. Ann.* 1066. *Tunc Haroldus Comes capeſſit Regnum, ſicut Rex ei conceſſerat, omneſque ad id eum eligebant, & conſecratus eſt in Regem in Feſto Epiphaniæ.* So *Chron. Walt. Hemingford, cap.* 1. *Et juxta quod ipſe Rex Edw. ante mortem ſtatuerat, ſibi ſucceſſit in Regnum Haroldus.* Tho *William of Malmesbury* and *Matth. Paris*, and others, tell us he ſeiſed upon the Crown againſt the Will of almoſt all the Great Men, and eſpecially the Biſhops. *Extortâ à Principibus fide, arripuit Diadema.* But let *Harold* and the *Conqueror* come to the Crown how they could, it is manifeſt beyond Diſpute, that the Right Heir was then alive, who was *Edgar Atheling*, the Son of *Edward*, Grandchild of *Edm. Ironſide*. This *Edgar* was not only Heir to the Crown by Lineal Deſcent, but deſign'd to ſucceed *Edward* the *Confeſſor*, by him himſelf, and ſent for, for that purpoſe, from abroad, where he, his Mother, and his Siſters were; and it was look'd upon to be ſo much his Due, that he was actually ſet up King by ſome parts of the Nation, inſomuch that *Edwin* and *Morcar*, the great Earls of thoſe Times, with *Aldred*, Archbiſhop of *York*, and the Citizens of *London*, agreed thereto, and promiſed to ſtand by him. And the *Saxon Chron.* gives us an Inſtance of the *Abbot* of *Peterborough* newly elected, being ſent to *Edgar*, as King, for Confirmation. *For* (ſays it) *the Inhabitants of that Country thought that he ſhould be the King.* But the Noiſe of *William*'s Invaſion, made the Nation bethink themſelves; and the People that had been moſt forward to ſet up *Edgar*, began to look upon him now as a Defenceleſs Youth, and not able to make head againſt ſo wiſe and hardy a Prince as *William* was; and therefore leaving him to ſhift as he could, they made their Terms with the *Conqueror*. The Nation had had the ſame good Intentions towards this poor Prince *Edgar*, upon the Death of *Edward* the *Confeſſor*, and ſome had actually endeavoured to ſet

him

him up; but *Harold* was more powerful both in Friends and Money, and ſtept into the Throne before him, as did the *Conqueror* this ſecond time. The uſe I intend to make of this, will be, (as you may eaſily foreſee) to ſhew you, that *Edgar* had a Title to the Throne, in the general Opinion of all *Engliſh* Men; and conſequently, that he was a dangerous Competitor to King *William* the *Conqueror*. But notwithſtanding this, King *William*, when he was Crown'd by *Aldred* (the ſame *Aldred* who would have ſet up *Edgar*, and who has this Character beſtowed upon him by *Walt. Hemingford, cap. 2. Vir bonus & prudens, intelligenſque cedendum eſſe tempori, & Divinæ nequaquam reſiſtendum Ordinationi,*) took the Oath of Fealty of all that were concern'd, without any farther notice taken of *Edgar Atheling* above the reſt, and carrying him with other Lords and Biſhops over into *Normandy*, he ſet him at liberty as ſoon as any of the others. And tho he afterwards gave both the *Conqueror* and *William Rufus* ſome Diſturbance, by his ſiding with the *Scots*, and *Danes*, and Duke *Robert*, yet both of them had him in their Hands, and let him go again, without any farther Miſchief; he lived for ſome time in both their Courts, and what became of him at laſt, we are not certain. All that we know of it is from *W. Malmesbury*, who making mention of him adds, *Lib. 2. pag. 25. Qui poſt occiſionem Haroldi à quibuſdam in Regem electus eſt, & vario luſu Fortunæ rotatus* NUNC *penè decrepitum diem ignobilis Ruri agit.* In the ſame place he ſays, that *David*, his Siſter *Margaret*'s Son, was King of *Scotland*, which was not before the Year 1124. So that he lived at leaſt to the Age of Seventy, if we allow him to be Twelve at the Death of *Harold*, when he was thought unfit to Reign, for want of years. And yet in all the Reigns of theſe Three Kings, *William* the Firſt, and Second, and *Henry* the Firſt, there was no Oath of *Abjuration*; no Renouncing to the Rightful Title of *Edgar Atheling*.

theling. Each of theſe Princes receiv'd the Oath of Fealty and Allegiance from their Subjects, and looked no farther after the Excluſion of *Edgar*, than that Oath did naturally carry them, which is far enough in all Conſcience, when honeſt People take it.

1087. When *William* the *Conqueror* died, he left the Duchy of *Normandy* to his eldeſt Son *Robert*. (*Mezeray* is miſtaken when he makes the Father yield up the Duchy to the Son 1077, when he was reconciled to him, upon his mounting him again upon his Horſe, when he had ignorantly met and overthrown him) and *England* to his ſecond Son *William Rufus*, and to *Henry* his third Son, a mighty Summ of Money, with a Prophetical Preſage, That he would One Day come to greater Matters. *Rufus* was then with his Father, and before his Funeral Exequies were performed (to ſecure himſelf the better of his appointed Succeſſion) ſlipt over into *England*, and got himſelf Crowned King, by *Lanfranc*, Archbiſhop of *Canterbury*; but he was hardly warm in his Seat, before a great and deep Conſpiracy was form'd againſt him, in behalf of his elder Brother *Robert*, contriv'd and carried on eſpecially by *Odo*, Biſhop of *Baieux* and Earl of *Kent*, his Uncle, *Geofrey* Biſhop of *Conſtance*, and other great Lords, intending to deliver up the King and Kingdom into the Hands of *Robert*. This ſo ſtartled and amazed *Rufus*, that he thereupon calls all the *Engliſh* Men together, and lays before them the Danger he was in, promiſing the Redreſs of many preſent Grievances, and ample Privileges to them and theirs, upon their Aſſiſtance, which they conſented to give, and accordingly, by their Help, he purſued and utterly defeated his Enemies, and became thereby enabled to forget his fair Promiſes. *Robert* in vain attempted to invade *England*, being repulſed with great loſs by the King's Ships and Seamen; and *William*, in his Turn, made over for *Normandy*, to do as much as *Robert* had deſign'd; but by

by the Mediation of Great Men on both ſides, the Brothers came to an Agreement, that ſuch and ſuch Places ſhould be delivered to each the other, and that whichſoever of the Brothers died firſt, without Children, the other ſhould ſucceed him in all his Eſtates: And to theſe Covenants twelve of the moſt conſiderable Men, on each ſide, were very ſolemnly ſworn. This was done 1090, and in 1094, the Brothers diſagreed again, and all the Fault was laid upon the King. who again prepar'd for *Normandy*, where each of them did a great deal of Miſchief to each other; till, very luckily, the Pope engag'd Duke *Robert* to take upon him the Croiſade, who being eaſily perſuaded thereto (as one who was always a light and giddy-headed Prince) he ſent to the King, to acquaint him with his Purpoſe, to conclude a Peace, and to borrow Money for that Expedition, engaging his Dukedom for it, to which the King aſſented readily, and carried him the Money himſelf, and took poſſeſſion of his Pledge; the Money came to ſix thouſand ſix hundred ſixty ſix pound of Silver: And *Robert* behaved himſelf very honourably abroad, where he continued till the death of King *William*, 1100. In all theſe Quarrels and Conſpiracies, occaſioned by D. *Robert* and his Partiſans, *Rufus* deſired, nor had, no other Security of his Subjects, than the Oath of Fealty and Allegiance, which obliged them to be true to him, without excluding or abjuring *Robert*; and yet, I take it, *Robert* was a very formidable Competitor, and that ſuch an Oath was as neceſſary then, as it ever was to this day.

Well, this unfortunate *Robert* was again put by the Crown, as well by his Abſence, as by the cunning Management of his younger Brother *Henry*, who got ſo well into the good graces of the Lords and Biſhops, that he was crowned King before Duke *Robert* could return to make his Claim. But, ſee the Inconſtancy of *Engliſh-men! Henry* had made large Promiſes of amending all things that were amiſs

amiss in the former Reigns, and confirming the Liberties of the Church, and a great many other good things; and thereupon was received by all the Nobility and Clergy with great Expressions of Joy and Satisfaction, and crowned by *Maurice* Bishop of *London*, (for *Anselm* had been driven away by *W. Rufus*) But before they could have time to see whether King *Henry* would be as good as his Word, they generally engaged in a Conspiracy to call in *Robert*, and deliver up the Government to him: some of the King's Ships went over to *Robert*, and a great Conflux of People there was gathered to him when he landed at *Portsmouth*; but before they came to try their Fortune in the Field of Battel, an Accord was made between them, by the mediation of some principal Men of both sides; by which it was agreed upon that *Robert* should continue Duke of *Normandy*, and *Henry*, King of *England*, paying his Brother yearly three thousand Marks; that all Adherents to *Robert* should be clear'd, and enjoy their Estates, and that whichsoever of the two died Childless first, the other should succeed in both the Kingdom and the Dutchy; with some other Particulars, which were all of them sworn to (as before) by twelve Great Men on each side. This Agreement was made in 1101, and in a few years came to nothing; for after many Depredations and Reprisals, Skirmishes, and taking and retaking of Towns in *Normandy*, the fatal Battel was fought in 1106, where *Robert* was taken Prisoner, and never after obtained his Liberty, but having his Eyes put out (a piece of Cruelty much in use in those days) he lived and died at *Cardiff*, a miserable Captive, in the Year 1134, and was buried at *Glocester*. An unhappy Prince from the beginning to the End, if we except two or three Years spent to his Honor in the *Holy Land*. But I have nothing to do with any thing relating to him, but to remark, that notwithstanding the great and continual Disturbance and Alarms he gave both *William* II,

and *Henry*, yet neither of them took an Oath of Abjuration from the Nation, and it is the more remarkable in *Henry*, becauſe that *Robert* had a Son called *William*, a brave and noble Youth, and a Prince of great Hopes, and like enough to prove a ſtrong Competitor to *Henry*'s Children. He was afterwards greatly favoured by the *French* King, and married his Queen's Siſter, and had the County of *Flanders*, and other ſtrong Places put into his hands, by which he created great Troubles to his Uncle *Henry*, till he was unfortunately wounded at a Siege, and being unskilfully dreſſed, died in a Monaſtery five days after, in the Year 1128.

But what did *Henry* do with regard both to his Brother *Robert* and this vigorous Prince, young *William*, who had ſworn ſeverely to revenge his Father's Injuries and Eyes? why he contented himſelf to ſwear his own Son, who was alſo called *William*, into the Succeſſion of *Normandy*, in the Year 1115, and of *England* in 1116, having for that purpoſe called a *Parliament* at *Salisbury*. *Conventio Optimatum & Baronum totius Angliæ apud Searesberiam* xiv. kal. Aprilis *facta eſt, Qui in præſentia Regis Henrici homagium Filio ſuo Wilielmo fecerunt, & fidelitatem ei juraverunt.* Sim. Dunelm. an. 1116. And, as *Annales de Margan* have it, 1116. *Filius Regis Henrici juratur ab omnibus Hæres Patris fieri.* But in the Year 1120, *William* and the reſt of the King's Children, with a great Company of People of Quality, were unfortunately drowned, the Ship being run upon a Rock not far from the Shoar from whence they put to Sea, by the Mariners and Pilot, who were got drunk. The Prince might have been ſaved, had he not hearkned over-tenderly to the Cries and Lamentations of one of his poor Siſters that continued in the Ship, whom thinking to take into his Boat, ſo many of the Ship leap'd preſently into it, as ſunk it immediately, and ſo they all periſhed together.

gether. The King had now but one Daughter left, which was *Maud*, firſt married to the Emperor of *Germany*, whoſe Widow ſhe became in the Year 1125, and afterwards, in 1127, to *Geofry Plantagenet* Earl of *Anjou*; but before the King ſent his Daughter away to this ſecond Husband, upon news of his Nephew *William*'s Promotion to the Earldom of *Flanders*, and his attempting great Matters by the Aſſiſtance of the King of *France*, he was exceedingly diſtreſſed and troubled, and calling his Parliament together (ſaith *Brompton*, *Thomas Wikes*, and *Chron. Saxon.* and every body elſe) at *Weſtminſter* (or, as others, at *Windſor*) he made both *David* King of *Scotland*, all the Archbiſhops, and Biſhops, Abbots and great Men, take the Oath of Fidelity, and do Homage to his Daughter, and her Heirs lawfully begotten, in caſe himſelf ſhould die without any Iſſue Male; which they accordingly did; and, amongſt the reſt, none forwarder to do it than *Stephen* Earl of *Blois*, who either adminiſtred the Oath himſelf to the reſt, after he had taken it himſelf, or elſe contrived the Form thereof; for I know not well which is the Conſtruction of thoſe Words in *Tho. Wikes*'s *Chronology*, in the Year 1127. *Non ſolum in Perſona propria ſacramentum fidelitatis emiſit, ſed & aliis Regni Proceribus jurisjurandi formam præſtruxit.* But you ſee, I hope, plainly, that *Henry* was apprehenſive enough of the growing Power of his Nephew *William*, and yet thought fit to take no other Security of the Nation againſt him than a common Oath of Allegiance; there was no Talk or Offers after an *Oath of Abjuration*, in thoſe days; tho it had been much to his purpoſe, and he had Power enough had it been otherwiſe convenient. This Oath of Fidelity was again renewed to *Maud* at *Northampton* in 1131. *Habitoq; non parvo procerum conventu apud Northantonam priſcam fidem apud eos qui dederant novavit, ab iis qui non dederant accepit*, ſaith *W.* of *Malmesbury*, *Hiſt. Novel.* l. 2. p. 177. Which I mention not as if it were done out of Fear of any parti-

cular Perſon (for *William* died, as I have ſaid, in 1128) but, in all probability to exclude *Geofry* her Husband from ruling, with whom he was exceedingly offended. I have it from *Wil.* of *Malmesbury* who tells us, that when King *Henry* lay on his Death-bed, *de Succeſſione interrogatus, Filiæ omnem Terram ſuam citra & ultra mare legitimâ & pervenni Succeſſione adjudicavit: Marito ejus ſubiratus, quod eum & minis & injuriis aliquantis irritaverat.*

Notwithſtanding all this Caution and Security, and this laſt Declaration of the dying King in favour of his Daughter; 1135, *Stephen* Earl of *Blois*, his Nephew by his Siſter *Adeliza* Daughter of the Conqueror, got over from *Normandy* into *England*, and tho he was repulſed at *Dover*, and by the Men of *Kent*, yet he was entertained by the *Londoners*, and by the dexterous Management of his Brother the Biſhop of *Winton*, who promiſed for him all that could be wanted or deſired, he was crowned by the Archbiſhop of *Canterbury*, whoſe Scruples about the former Oath to *Maud* were ſatisfied by the Oath of a bold Nobleman, who ſwore he heard King *Henry*, on his Death-bed, diſinherit his Daughter *Maud*, and appoint E *Stephen* to ſucceed him in the Kingdom. Some of our Hiſtorians tell us, that there was but a poor Show of Biſhops and Great-men at the Coronation, and that many ill Omens were ſeen thereat; others ſay otherwiſe, and tell us it was perform[illegible] *annuentibus Præſulibus & Proceribus Regni*, and that they pitch'd on *Stephen*, becauſe that *Maud* had no Children, and they wanted a conſiderable Perſon to look after the Affairs of the Kingdom. But all of them in general cry out aloud upon the ſudden Change of the *Engliſh* Nobility, who had ſo lately ſworn Fidelity to *Maud*, *Omnis Anglia, quaſi in ictu oculi, ei ſubjecta eſt*, ſaith *Walt. Hemingford*, from *Malmesbury*, c. 56. Even *Robert* of *Glouceſter* ſwore to *Stephen*, tho with a very evil Mind undoubtedly, becauſe he could not otherwiſe be in any Capacity of ſerving his Siſter-in-law

* baſe Son to Hen. 1.

Maud

Maud and her Son (for now ſhe was brought to bed of her Son *Henry*); this reaſon *Wil.* of *Malmeſbury*, his Client, gives for him, He was afraid of his former Oath to *Maud*, and he was afraid he ſhould never do her any Service if he ſwore not to *Stephen*, and therefore he did it, tho conditionally, *that he ſhould preſerve his Honor and his Covenants.* *Robert* was the only Man alive he feared, for he was wiſe and valiant to a wonder in thoſe days, and he was glad to have any hold at all of ſuch a Man, and therefore accepted of his *Conditional Homage.* You ſhall take the words, and ſee what you can make of them your ſelf, *Itaque Homagium Regi fecit, ſub conditione quadam, ſcilicet, quamdiu ille dignitatem ſuam integrè cuſtodiret, & ſibi pacta ſervaret: Spectato enim jamdudum Regis ingenio inſtabilitatem ejus fidei prævidebat.* *Malmsb. Hiſt. Novel.* l. 1. p. 179. I am greatly afraid, there are many *Roberts* of *Glouceſter* now alive, that have taken the Oaths to their preſent Majeſties, with no better deſign than to capacitate themſelves to do them a ſhrewd turn, when it lies in their way; although they ſee no ſhadow of Unfaithfulneſs or ill deſign in them; but this is a Remark out of my way, which you will pardon. It is only to my purpoſe to ſay, that *Stephen* contented himſelf with the ordinary *Oath of Allegiance*, tho *Maud* was his Competitor; and put no Nobleman or Commoner upon abjuring her or hers by name, tho he were ſenſible that they muſt prove continual Thorns in his ſide; and upon thoſe Apprehenſions, as ſoon as he was ſettled in his Throne, he paſſed over with an Army into *France*, with purpoſe only of ſubduing *Geofry* of *Anjou*, her Husband, *proſpexerat enim* (ſaith *Tho. Wikes*, 1136,) *quod ſi Imperatrix prolem de corpore ſuo generaret, bella ſibi minime defutura*, knowing full well that if ſhe had Children, he muſt look for little quiet. But Children ſhe had, and you know how troubleſome this Woman, with her Son and Brother *Robert*, were to him for many Years, the many Miſeries this poor Kingdom endured under the time

of

of their Diſſenſions (for in moſt Wars a Country finds but little difference between *Friends* and *Enemies*) and the Agreement made at laſt betwixt them. I will not inſiſt on any of theſe Matters: King *Stephen* took all uſual care to ſecure the Crown to himſelf and his Poſterity; but it went no farther than to take the common Oath of Allegiance to himſelf, and in 1152, to cauſe the ſame to be taken to *Euſtace* his Son. For ſo *Annales Waverleienſes* 1152, *Apud Londoniam Euſtachio Filio R. Stephani fide & jurejurando Univerſi Comites & Barones Angliæ ſe ſubdiderunt.* He would have had him crowned, but the Clergy, by order of the Pope, oppoſed it ſtrongly, and he could not carry his Point, as *Gervaſius* tells us, in *Stephano*, 1131. *p.* In the Year 1152, died *Stephen*'s Wife, and in 1153, *Euſtace* his Son, a ſtomachful young Prince; ſo that *Stephen*, conſum'd almoſt with Care and Grief, and finding himſelf decay, and his Adverſary young *Henry* daily increaſing in Riches and the Favour of the People, began to incline to Peace, which was agreed upon, you know, on condition that *Stephen* ſhould continue King during his natural Life, and *Henry* to ſucceed him: and that *William*, *Stephen*'s only remaining Son, ſhould be poſſeſſed of all his Father's Eſtate, whilſt a private Subject; but he liv'd not long to enjoy it, dying in King *Henry*'s Service, at the Siege of *Tholouſe*, in the Year 1159: *Stephen* himſelf went before him, dying in the Year 1154. leaving *Peace*, the greateſt and moſt wanted Bleſſing, to this diſtracted Kingdom. Conſider, Sir, I pray, whether an *Oath of Abjuration*, was not full as ſeaſonable in this King *Stephen*'s Caſe, as it can poſſibly be in any others, and then I will go on.

Henry II, being poſſeſſed of the Throne, took the uſual *Oath of Fidelity* from his Subjects, without any manner of Regard had to *William*, *Stephen*'s Son, who ſerved him four Years, and died at laſt, as I have ſaid, in 1159. He reigned thirty five years, and endured great Troubles and Afflictions

Afflictions from an untoward Queen, and moſt ungracious Children, the Eldeſt of which called *Henry* (ſometimes called *Secundus*, ſometimes *Tertius*, ſometimes *Junior* and *Minor*) he cauſed to be crowned King whilſt himſelf lived, and quickly found good reaſon to repent him of ſuch favour. But having no competitor for the Crown, his Troubles are nothing to my purpoſe, ſince he could have no occaſion for an *Oath of Abjuration*: and therefore I have done with him, when I have obſerved to you, that notwithſtanding the Oath the Nation took in general to his Mother *Maud* her ſelf, yet *Henry* ſucceeded *Stephen*, without any manner of nôtice taken of *her*. *Polydor Virgil* makes her preſent at the Treaty of Agreement, but mentions no Ceſſion or yielding up her Right; no Hiſtorian, I have ſeen, takes any notice of her at all; and yet, undoubtedly, ſhe took all thoſe pains, in her Wars with *Stephen* for *her ſelf*, and upbraided *Stephen* and all his Followers with Perjury; and yet ſhe appears no ways concerned in the Treaty, nor makes any manner of Declaration that ſhe abſolved them of their Oaths to her, or that ſhe was willing they ſhould transfer their Allegiance to her Son. Perhaps they took theſe things for granted, becauſe ſhe put in no new Claim at that time: all that we know further of her is, that ſhe died, as ſome ſay, in the 13*th** or, as others, in the 14*th* Year of her Son *Henry*'s Reign, who died himſelf in 1189, and left his Crown and Kingdom unconteſted to *Richard* I, who was his Eldeſt Son then living.

He was a brave Prince, and, according to the ſuperſtitious humour of thoſe times, engaged in the Recovery of the *Holy Sepulchre* out of the hands of Infidels, where he performed Wonders, and was accounted one of the *Religious Heroes* of that Age. But certainly he was very ill paid at home, for theſe his glorious Pains abroad, by *John* his Brother. Moſt of our common Hiſtorians are miſtaken in repreſenting theſe matters, and confound

* A. 1167.

found Actions done at different times; I shall take a little pains to set them in better order, and that in short, from *Roger Hoveden*, *Walt. Hemingford*, and *John Brompton*, &c. When *Richard* went into the *East*, he left the Government of *England* in the hands of *William Longchamp*, Lord *Chancellor* and Bishop of *Ely*, who (for ought appears) managed it with great Fidelity to the King his Master, but to the great dislike of *John* and his Adherents, who made many grievous Complaints of his tyrannick Government, and seem resolved to have him laid aside at any rate; the thing that offended *John* at the bottom was this, that the *Chancellor*, being a Man of great Abilities and Power, abetted and maintained the Right of *Arthur* of *Brettany*, Son and Heir of *Geofry* elder Brother to *John*, and sent underhand to the King of *Scotland*, who was his great Uncle, for his Protection and Assistance, in case King *Richard* should do otherwise than well in the *Holy-Land*; protesting moreover to him, that by Letters directed to him from *Sicily*, King *Richard* had appointed *Arthur* his Successor, if he should die. It is not very certain whether the *Chancellor* acted thus in favour of young *Arthur*, out of a good Principle, as knowing him the rightful Heir; or with ambitious purpose of continuing in his great Authority and Regency, as he was likely to do, if a Child succeeded; but whatever the Motive was to his asserting *Arthur*'s Right, his doing so must needs be enough to make Earl *John* his mortal Enemy. The *Chancellor* was a warm and haughty Man, and imprudently administred an Occasion of Commotion, by commanding *Girard de Camvilla* to yield up to him the Castle of *Lincoln*, who (having had it committed to his care by the King) refus'd to do it, and immediately took part with *John*, whose ambitious restless Temper took hold of this occasion to put himself in Arms; and, whilst the *Chancellor* was besieging *Girard*, he seized on the two Castles of *Nottingham* and *Tickill*. So that now

they

they came to open Hoſtilities; in which the *Chancellor* finding himſelf the weaker, and knowing he had many Mens *Perſons* about him, whoſe *Hearts* were with *John*, he made his Peace with him, upon the vile unworthy Terms of forſaking *Arthur*. But this was not what *John* wanted, which was his Degradation and Removal; to which the following Paſſage miniſtred occaſion, *Geofry* Archbiſhop of *York* was forbid (for ſome cauſe or other) by K. *Richard* to enter *England* in three Years ſpace; but he, unmindful of the King's Command (and ſome ſay of his own Oath) reſolved to take the opportunity of the King's Abſence, and enter on his Biſhoprick, which attempting to do, at *Dover*, he was watched by the *Chancellor*'s Spies and taken from the Altar of a Church, whither he fled for refuge, and dragged from thence, and carried and committed to the Conſtable of *Dover* Caſtle. This made a great Noiſe, you may be ſure, in thoſe days, and opened the Mouths of the Clergy, with whoſe Cries Earl *John* fell in immediately (tho no great Friend to Church-men, who are even with him in moſt of their Hiſtories) and wrote to the *Chancellor* to ſet the Archbiſhop at Liberty; who refuſing to do it, he raiſed a conſiderable Army, and drove his Enemy to great Straits, and at laſt ſuffered him to tranſport himſelf out of the Land; having firſt, in the Preſence and with the Conſent of many Biſhops, Judges, and Great-men, and the Citizens of *London*, decreed, that he was not fit to bear any Rule, or live any longer in the Kingdom. When this good Company was got together, Earl *John* reſolved they ſhould not part without a Taſt of his Intentions, and therefore the ſame day both he and the Archbiſhop of *Roan* (who was put into the *Chancellor*'s place, as one of the Adminiſtrators of the Kingdom) and others of the King's Juſtices granted to the Citizens of *London*, *habere* communam *ſuam*; and again in the ſame Year, *John* and the Archbiſhop of *Roan*, with almoſt all the Biſhops, Earls, and Barons, ſwore they would

moſt firmly and inviolably (as long as it ſhould pleaſe the King) obſerve and keep *communam illam.* The *Gloſſary* to the X. *Scriptores* interprets *Communam* by *Aſſociation* and *Confederation,* as if it were, that *theſe Lords and great Folks took the Citizens of* London *into Council with them, and made them join with them in paſſing their Decree and Sentence* on the Chancellor. They did indeed do ſo; but this is not enough methinks. I have the Authority of a moſt excellent skilled Perſon both in theſe and all other Learned Matters whatſoever, that *Communa* ſignifies in this place, *Privileges, and Immunities,* and by the Senſe, I believe we ſhould all of us conſtrue it ſo: For by the Paſſage, with its Circumſtances, it appears, that there was a Combination of Lords and Biſhops and the Citizens of *London,* in favour of *John,* againſt any other Succeſſor. And the Citizens of *London* on their part, ſwore Faithful Service [took the Oath of Fidelity] to King *Richard* and his Heirs, and engaged, that if he died without Iſſue, they would receive *John* for their Lord and King. And thereupon ſware Fidelity to him againſt all Men, ſaving their Oath to *Richard. Radulph. de Diceto,* and *Joh. Bromton* make no mention of theſe *Londoners* Swearing; but *Roger Hoveden* does (in his *Annals, pag.* 702.) who lived and wrote in King *John*'s Days; and to him I refer you, if you pleaſe.

This makes me inclinable to interpret *Communam* by ſomething that the Citizens of *London* liked, becauſe they ſeemed to do a very bold and an unjuſt thing, in lieu of it: They took an *Oath of Fidelity* to One, who was neither Heir by God's, nor by the Laws of the Land, nor yet by Deſignation and Appointment of the King then living, who was very angry at theſe Proceedings, and ſpoke very hard Words of his Brother *John*; and there is great Reaſon to believe theſe ſtrange Doings (as well as the Departure of his Enemy King *Philip* of *France*) haſtened his Return the

ſooner

ſooner into *England*. But in his Return he was unfortunately taken Priſoner by the Duke of *Auſtria*, and delivered into the *Emperor*'s Hands, and there continued Sixteen or Eighteen Months. This Opportunity his Brother *John* laid hold on, and by the inſtigation of the *French* King, opened his Purpoſes and ſought the Crown, ſometimes giving out the King was dead, and ſometimes that the Emperor reſolved never to let him go. (And ſome Hiſtorians tell us that the King of *France*, and *John*, made mighty Offers to the Emperor, either to detain him, or deliver him up into their Hands, which he had much ado to reſiſt.) But the Nobility oppoſed him conſtantly, and kept their Faith inviolable to their King, to their great Praiſe, and however careleſs and injurious they had been with reſpect to *Arthur*'s Right of Succeſſion, yet they were very bold and faithful to their preſent King in Poſſeſſion; inſomuch that inſtead of delivering up the Kingdom, and ſwearing Allegiance to him, as he demanded, they very vigorouſly beſieged him and his, in *Windſor-Caſtle*, and forc'd him to ſurrender that and other Holds, and fly the Kingdom; which he did, and betook himſelf to his old Friend the King of *France*, to whom he became Liege-man, and did Homage for *Normandy*, which yet would not ſubmit to *John*, but declared it ſelf for its old Maſter, whom they hoped to ſee at home again, and ſafe in a ſhort time. And ſo they did; for *Richard* came and landed at *Sandwich* in *Kent*, and was joyfully receiv'd of all his Subjects throughout the Kingdom, excepting ſome few Places which held out for *John*, which in a little time were reduc'd, and taken into Mercy by the King, who, by the Advice of the Biſhops, was again Crown'd, with great Pomp at *Wincheſter*.

This is a long Hiſtory, you will think, tho I have greatly ſhortened it; but whereto does it ſerve? Why ſome have confounded theſe *Two* Attempts of *John*, and

made but *One* of them; and ſome have only mentioned his Attempt during his Brother's Impriſonment, which yet, you ſee, was a *Second Undertaking*, in purſuance of the *Firſt*, which made way (as he imagined) for it. The Uſe I make of it, is this, to ſhew you, that *John*, by this firſt Treaſonable Attempt of cauſing People to ſwear Fidelity to him, againſt the King's Will, and without his Knowledge, and when he was not ſo much as *Preſumptive* Heir, muſt make him juſtly liable both to the King's Anger, and to the Puniſhment of the Laws of the Land; but that his ſecond Attempt upon the Crown made him undoubtedly a *Traitor*, and not to be endur'd either by King or Subject. I know not how a Subject can become more dangerous, and to be ſuſpected, than by having once been ſworn into the Succeſſion, without his Prince's Knowledge and Good Will, and having afterwards demanded openly the Crown, altho his King was then alive: And ſure, his ſucceeding ſo well as he did the firſt time, and his attempting it the ſecond time, muſt make him a dangerous Competitor to the King, and fit to be excluded by an *Oath of Abjuration*. But nothing of this was thought upon. *Richard*, after the Reduction of the Caſtles that held out in *John*'s Favour, ſummoned a Parliament at *Nottingham*, (ſuch as the Parliament was then) on the Thirtieth of *March* 1194. [*Trigeſima Die menſis Martii feria quarta Ricardus Rex Angliæ celebravit primum Concilii ſui diem apud Nottingham:* as *R. Hoveden, pag.* 737.] where were preſent *Elianor* the King's Mother, the two Archbiſhops, *David* the King of *Scotland*'s Brother, the Biſhops and the Barons: And on the Day following, the King demanded Juſtice ſhould be done him, on his Brother *John*, who againſt his Oath of Allegiance, had ſeiſed on his Caſtles, deſtroyed his Countries, both at home and abroad, and Leagued againſt him with the King of *France*, his Enemy. And it was adjudged, that Earl *John* ſhould be cited to appear

pear within Forty Days, and ſtand to the Law, and that if he did not ——— *Judicaverunt Comitem Johannem demeruiſſe regnum*, ſaith *Hoveden. Ipſum Fratrem ſuum Rex exheredavit. Annal. Waverl. An.* 1194. *Omne jus priſtinum & honorem impenſum ſolenni judicio Procerum ſuorum abjudicavit*, ſaith *J. Brompton*, from *W. Hemingford* (whom he conſtantly Copies, and Cites by the Name of *Walter de Giſeburn*, pag. 1278. lin. 19.) *Judicio Procerum omni honore privavit*, ſaith *H. Knighton*, *l.* 2. *pag.* 2408. But the *Annales De Margan*, (put out by the moſt excellently Learned Dr. *Gale*, in 1691,) go, to my thinking, a great way farther than all the reſt. The Paſſage is ſomewhat long, but remarkable enough to make you amends for the Patience of Reading it. Thus then in the Year M C XC IX. *After* Richard's *Death*, John *his Brother*, *in the* Octaves *of* Eaſter, *having entred upon the Dukedom of* Normandy, *coming over into* England, *was Crowned King on* Aſcenſion-Day *at* Weſtminſter, May 27. *againſt the Judgment and Decree of the Archbiſhops, Biſhops, Earls and Barons, and all the reſt of the Great Men of* England, *which they had paſſed at* Nottingham *in the Preſence of King* Richard *his Brother, where for the Treaſon he had acted againſt the King, and Kingdom, in Confederacy with the King of* France, *he was diſinherited and depriv'd* (abjudicatus, *which I cannot conſtrue better*) *not only of all the Lands he had in* England, *but alſo of all Honors which he might hope for, or expect to have from the Crown of* England. *It was alſo decreed, that he ſhould be ſummoned to appear, in ſuch a ſpace of time, within the King's Courts, to anſwer and defend himſelf, if he could, upon the War and Treaſon aforeſaid, Raiſed and Committed whilſt his Brother was abroad, and detain'd in* Germany; *but he came not himſelf, nor ſent any other to anſwer for him. Upon which, Three Earls, his Peers, were ſent to the Court of* France, *there to convict him of the ſame Treaſon; but neither did he make his appearance there, or anſwer for himſelf. And yet againſt this Judgment and Decree, he is Crowned King;*

William

William de Breuſe, *together with his Faction, preſſing inſtantly for his Coronation. In which Coronation all that were concerned, offended grievouſly, as well becauſe* John *had no Right to the Kingdom,* Arthur, *his elder Brother's Son, being then alive, as alſo, that if he had been Heir of the Kingdom, yet by and for the above repeated Treaſon, he had been deprived and diſinherited.* This is a famous Paſſage, and makes very much for *a Bill of Excluſion*, at leaſt, if I miſtake not; and there was ſo much in it, that when the Pope's Legat was diſſuading the King of *France* from ſending his Son *Lewis* into *England* (as the Barons and Great Men had by expreſs Meſſengers deſir'd him to do) and told him, *England then was S. Peter's Patrimony*, by the Reſignation of King *John*; the King of *France* told him, that *England* never was *John*'s to give, (as well becauſe no King can give away his Kingdom, without their Conſent, as alſo) becauſe he had forfeited all Right to the Crown (if Right he had had) by his Treaſons againſt *Richard*, of which he ſtood Convict, and had had Sentence paſſed upon him, as a Traitor, by *Hugh de Pudſey*, Biſhop of *Durham*. Thus *Matth. Weſtm.* tho *Matth. Paris* repreſents it a little otherwiſe. But tho the King and Parliament proceeded to an *Act of Excluſion*, yet they put no one upon *abjuring John* by Name. They thought it enough to ſecure the preſent King by an *Oath of Allegiance*, and to put by *John* from ſucceeding him; but no one ever was conſtrain'd *to ſwear* he never ſhould, nor ought to, be King. They hurt *John* as much as they could, by freeing the Subject from ſwearing *to* him; but they intended not to hurt the Subjects, by compelling them to ſwear *againſt* him. Methinks there is a great deal of Difference betwixt theſe two Points; and that's the Uſe I would have you make of this long Story, which I will conclude, when I have added, That tho *John* afterwards did actually ſucceed his Brother *Richard*; tho *Arthur* had been

been declared Succeſſor to *Richard*; tho it was the Opinion of all the World, both abroad and at home, that *Arthur* was the undoubted Heir of the Crown; tho many Nobles ſided with him; tho he claim'd the Crown himſelf openly, and gave *John* abundance of Trouble, and alarm'd him daily; yet did *John* never attempt to get him *abjured* by the Nation, nor to ſecure himſelf any other way than by the common *Oath of Allegiance*. He afterwards caught him, and in all likelyhood ordered him to be made away privately; but that was nothing to the People of *England*. He died, 'tis thought, about 1203, but his Siſter *Ellinor*, commonly called *The Damoſel of Britanny*, lived till after 1240. Tho ſhe undoubtedly was the Heireſs of the Crown, if the Nation had regarded the Lineal and immediate Succeſſion, as much in thoſe, as in theſe latter Days, which it is manifeſt they did not.

The long and troubleſome Reign of *Henry* the Third, the Times of *Edward* the Firſt and Second afford me nothing to my preſent purpoſe: They had no Rivals or Competitors to fear, nor conſequently any occaſion of ſecuring themſelves by any *Oath of Abjuration*. When *Edward* the Third was Crowned King, upon the Depoſition of his Father, tho *Edmond of Kent*, and others, attempted to deliver him from his Impriſonment, and re-inſtate him again, yet the young King ſought not his Safety and Eſtabliſhment by any *Oath of Abjuration* of his Father. It was enough, that the ſeveral Eſtates of the Kingdom, had by Deputies appointed for the purpoſe, ſolemnly renounced their Allegiance to him, and choſen his Son to Reign in his ſtead and taken the uſual *Oath of Allegiance* to him; this was *then* eſteemed ſufficient Security for the young King, without concerning the whole Kingdom in an *Oath of Abjuration*. And this was the Caſe of *Henry* the Fourth, when *Richard* the Second was depoſed, the Crown was entail'd by Parliament on him and his Sons,

but

but there was no *Abjuring Richard*, by an Oath to be taken by the Subjects. The Eſtates of the Realm Depoſed him very ſolemnly (even without any notice taken of his Reſignation, though after he had made it) objecting ſuch and ſuch Crimes, as deſerv'd it; which they might well have ſpar'd, and ſurely would have done it, even for pities ſake, if they had not intended thereby to ſhew and exerciſe a Power they thought inherent in them, on ſuch extraordinary Occaſions.

I will not trouble you with the Inſtance of *Henry* VI. with regard to *Richard* Duke of *York*, who made claim upon him; nor of *Edward* IV. with regard to *Henry* VI. neither of which Princes thought of ſecuring themſelves by any Oath of *Abjuration*. Becauſe you may ſay, there was no need of their doing ſo, ſince both of them looked upon themſelves as *Rightful Poſſeſſors* of the Throne; and what need was there of cauſing the Subjects to *Abjure* the Right of one who had no Right at that time; nor, (as they thought) at any time beſides? For I make no queſtion but *Henry* VI. look'd on himſelf as moſt *Rightful King*; and truly the Succeſſion of *three* Generations, and the Poſſeſſion, for above threeſcore years, of Royalty, might have made a more Devout and Conſcientious Prince than *Henry* was (if it could be) believe ſo too. Neither will it ſerve to my purpoſe, to inſtance in *Richard* III. with regard to the Son and Daughter of his Elder Brother *George* Duke of *Clarence*, becauſe he confided ſo far in the *Attaindour* of the Father, that he had no ſuſpicion of the Children; he Baſtardiz'd, Depos'd, and Murther'd, the Children of his Brother *Edward* IV. but he thought the *Act of Parliament* had ſecur'd him againſt the Family of *Clarence*, and therefore was regardleſs of them. We have no reaſon to think he acted out of any better Principle, towards them. And it was not then perhaps ſo clear in Law, as ſince, *That the Crown takes away all Defects and*

ſtops

ſtops in Blood; and that from the time the King aſſumes the Crown, the Fountain is cleared, and all Attaindors and Corruption of Blood diſcharged; which was the Reſolution of the Judges, in the Caſe of *Henry* VII.

The Inſtances I have mentioned before, from *Edgar Atheling* to *Richard* II. are enow, and ſufficient to my Purpoſe, or none are. And I hope from them, you will be able to ſee, what I deſign'd to ſhew you, in the *firſt* place, That, though we have had ſo many Occaſions, where an *Oath of Abjuration* was full as Reaſonable, as Convenient, and as Neceſſary, as it can poſſibly be at this day, yet we have never had one. And therefore, that *an Oath of Abjuration would be altogether Strange and New in* England. And if you do not alſo ſee, as it were by the by, from theſe *Collections*, that the Oaths of *Fidelity and Allegiance*, have been conſtantly impoſed on, and taken by, the Subjects of the Land (concern'd to take them) to ſuch Perſons as were by the Conſent and Approbation of the *Three Eſtates of the Kingdom*, inveſted with the Regal Power, although they could not lay claim thereto, by Lineal and Legal Succeſſion: If you do not ſee this, I ſhall think I have repreſented Matter but confuſedly. Believe me then, in ſhort, an Oath of *Allegiance* was *always* taken, but an Oath of *Abjuration*, *never*.

I am now, in the *Second place*, to ſhew you, according to my Skill, that *an Oath of Abjuration is altogether Needleſs*. If it be needful, it is only needful to the ſecuring their Preſent Majeſties in the Poſſeſſion of the Throne, which they (in our Opinion I am ſure) fill moſt deſervedly. But this is not to be done by an Oath of *Abjuration*, if it will not be done by an Oath of *Allegiance*. And I may well preſume, that ſuch as refuſe the Oath of *Allegiance*, will never take an Oath of *Abjuration*; ſo that here will be no *New* Subjects gain'd we may be ſure; and if it will neither gain *New* Subjects, nor faſten the *Old* ones cloſer

to their Majeſties Intereſt, where is the Neceſſity of impoſing it? Do their Majeſties, I pray, want any thing more than *Allegiance and Fidelity* from all, or any of their Subjects, in the reſpective Stations they ſtand related to their Princes in? No one, I think, will ſay they do. If all men therefore would fulfil their Oaths of Allegiance and Fidelity, what need would there be of impoſing any New ones? It is not taking *New* Oaths, but keeping the *Old* ones, that muſt ſecure their Preſent Majeſties; and will any Man that does not make a Conſcience of fulfilling the Oaths he has taken, be ſcrupulous of either taking, or breaking, any New Ones? What ſhould hinder one from taking an Oath of *Abjuration*, who has no regard to his Oath of *Allegiance*? And what ſecurity can you have againſt the breach of a *Second* Oath, from one who ſhews apparently he values not his *Firſt*? Do you not therefore ſee that ſuch as *knowingly* break their *Allegiance Oath*, will take at laſt (though not without ſome kind of ſcruple neither) the Oath of *Abjuration* and break it, when it is convenient, *full as knowingly*? We ſee Men, frequently, that are nice and ſqueamiſh, with reſpect to ſome Offences, who yet make very bold with others, altogether as heinous; but it is ſeldom ſeen that a Man grows tenderer in a Point wherein he has once or twice offended. He who has taken the Oath of *Allegiance* to their Majeſties, and yet will Comfort, and Abett, and Correſpond with any of their Enemies, will take the Oath *again*, and proceed to *whatever* Oath you ſhall impoſe, and ſtill retain the ſame mind, and purſue the ſame deſign; and he may do it all, upon the ſame Principle, by which he acts, when he breaks his Oath of Allegiance. So that an Oath of *Abjuration*, will neither gain their Majeſties any *New* Friends, nor fix the *Old* Ones faſter to them, nor yet *diſcover* any Old or New *Enemies*. And what is an Oath good for, that will anſwer to none of

of theſe ends and purpoſes? That will neither diſcover Truth nor Falſhood? That will neither make nor keep Men Honeſter or more Loyal than they were before, nor yet prevent them from being Falſe and Traiterous, or ſhew us when they are ſo? I make no doubt but this is the pretence and plea for an Oath of *Abjuration*, that it will diſcover who are Enemies to the Preſent Government; and this is that which may make it appear moſt reaſonable to be impoſed. If it will not therefore do this, it will do nothing, or it will do miſchief. This I conclude it will never do (*i. e.* diſcover who are Enemies to the Government) for this Reaſon. Becauſe (ſuppoſing all along, that none will take an Oath of *Abjuration*, who have refuſed to take the Oath of *Allegiance*, and therefore that they alone who have taken the Oath of *Allegiance*, will take the *Abjuration Oath*) they who have taken the Oath of Allegiance *malâ fide*, who deſign (or whether they deſign or no, do actually do it) to ſerve and ſuccour the *Late King*, will alſo certainly take the *Abjuration Oath*. They who have falſified their Faith to King *William* and Queen *Mary*, in favour of the *Late King* will not ſtand out upon another Oath, by which they ſhall not only loſe perhaps a Beneficial Office, but alſo incapacitate themſelves for either hurting their Preſent Majeſties, or ſerving their Late Maſter. This I have before ſhewed, and it is not in Man to find out, or aſſign, one tolerable Reaſon why they ſhould not do it. Will therefore any ſuch Perfidious Men as theſe be *diſcovered* by an *Oath of Abjuration*? Will they not rather be enabled to do more miſchief by being more truſted for ſuch an Oath, which they eſteem and will keep juſt as they did the Other? So that the King and Queens Enemies will lie as ſafe and cloſe under an Oath of *Abjuration*, as under an *Allegiance Oath*: for what, I would know, does the moſt ſolemn and tremendous Oath ſignifie, unleſs the Party

think himſelf oblig'd in Conſcience to obſerve it? And if he do not think himſelf oblig'd in Conſcience, to obſerve and keep his Oath of *Allegiance*, what is there that ſhould tie an *Abjuration Oath* upon him? For the tie and Sanction of both theſe Oaths muſt be the ſame, and the breach of them muſt be alike Criminal, and will be puniſhed alike, in both Worlds, inaſmuch as a Man is equally Perjur'd in little and in great matters: and if any Man will ſhew how he may ſafely violate his *Oath of Allegiance*, with a good Conſcience, I will do as much for him, for the violation of the ſtricteſt Oath of *Abjuration*, in the World. I hope you perceive then, that they who will take an Oath of *Allegiance* to their Preſent Majeſties, and make no manner of Conſcience of Performing it, but actually ſerve, and correſpond with their Enemies, will alſo make no Bones of taking and breaking an Oath of *Abjuration*; which is the Reaſon from whence I conclude an Oath of Abjuration will not ſerve to diſcover the King and Queens Enemies, which yet it certainly pretends to do. They are, it ſeems, to be diſcovered by *Refuſing* the Oath; but they intend to *take* the Oath, and where is the *diſcovery*? Well, but will all that take the Oath of *Allegiance* take the Oath of *Abjuration*? *No*, unqueſtionably *no*. Will not therefore thoſe who refuſe it, be thereby diſcovered to be Enemies to the Preſent Government? I ſay again *No*. They will not be *diſcovered* to be Enemies, becauſe they will not *be* thereby its Enemies. Let us, for once divide the People that have taken the Oath of Allegiance to their Majeſties into, 1. Such as have taken and kept it *bona fide*. 2. Such as have taken and broken it wittingly and willingly, and with an evil mind. Of theſe latter, we have ſeen, no manner of good can be expected. They will neither be *made Good* Subjects, by a New Oath, nor *diſcovered* to be *Bad* ones by it.. A New Oath will therefore only affect ſuch as have taken the Oath of Allegiance *bonâ fide*, and

kept

kept it very honeſtly. And is it likely that they who have done ſo ſhould be *Enemies* to the Government? I grant you, that a great many ſcrupled and conſidered long, before they ventur'd on the Oaths; but are not Scruple and Conſideration tokens of a good and honeſt mind? And if after Scruple and Conſideration, they took the Oaths, and ſince have kept them well and honeſtly, what Reaſon is there to think, or call, theſe People *Enemies* to the Government, though they ſhould go no farther? The Legiſlative Power impoſed the *Oath of Allegiance* on the Subject, and intended it for the Security and Eſtabliſhment of the Preſent Government; the Subject takes the Oath and keeps it faithfully, how is he then an Enemy? My Friend deſires me to walk a Mile with him, to conduct him homewards, and ſee him ſafe through ſuch a *Thieving Lane*, and I conſent; and when he comes to the Miles end, his fears grow greater, and he deſires me to walk another Mile, but I tell him, it is late, and I can go no farther without inconveniency and danger to my ſelf, and for this he quarrels me, and accounts me his Enemy. I leave you to judg with what Reaſon. I did what he deſir'd at firſt, and thought, with all his foreſight and diſtruſt, would be ſufficient to ſecure him (and ſo did all that paſſed that way before him) but I can do no more, and be ſecure my ſelf. Sure, though I can no longer ſerve him, yet I have ſerved him hitherto, and may deſerve a better name than *Enemy*. What think you of the Application? Muſt thoſe be Enemies to the Preſent Government, who took the Oath of Allegiance to their Majeſties, which was all that was required and thought ſufficient for their Safety, and have all along kept it inviolable, and ſerved them faithfully and diligently; muſt theſe be reckon'd Enemies, becauſe they will not alſo take an Oath of *Abjuration*? Will therefore an Oath of Abjuration diſcover who are the King and Queens Enemies?

But

But that I may not ſeem to deny every thing to an Oath of Abjuration, after having ſhewn you what I think it will *not* diſcover, I will now ſhew you, what, I think, it *will* diſcover. And *firſt*, It will diſcover *the Nakedneſs of the Land*; it will diſcover the diſtreſs and ſtraits, we find our ſelves reduc'd to, when we muſt have recourſe to ſuch *extremities*. When that which ſecures all other Governments in the World beſides, and that which has ſecured our Own, as well as any Other, for ſo many hundreds of years (*viz.* an Oath of Allegiance to the Poſſeſſors of the Throne) will not ſecure, or be thought ſufficient to ſecure, the Preſent Government, on what Foundation will the World about us think we ſtand? They have ſeen us chooſe, and place upon the Throne, our Princes, with all good liking and affection poſſible: And they will ſee us now, forc'd to be Chain'd to our Obedience, and tied down groveling on the ground for fear of riſing up againſt them. This Poſture will not pleaſe our *Friends* abroad, who underſtand our Generous Tempers better; they will fear the effects of ſuch unuſual Bonds. And for our *Enemies* abroad, they undoubtedly will do, as our Enemies at home do, rejoyce exceedingly, at ſuch an Oath. The *Jacobites* (as all the Diſcontented Diſaffected People are now call'd) have hitherto ſhewn themſelves but *Puny Politicians*; their Deſigns have neither wanted Malice nor Barbarity, but they have laid and manag'd them, with ſo much Weakneſs and Simplicity, that they ſeem to be infatuated very much: but yet they are wiſe enough to foreſee the advantages they are like to reap from the Diſtractions an *Oath of Abjuration* will undoubtedly produce amongſt us. And though ſome of them may be ſet to decry it publickly, as a moſt abominable unheard-of thing, and others of them, in their weakneſs, truly believe it is ſo, yet the Managers of the Party, and more underſtanding People amongſt them, do under-

underhand abett, and favour it exceedingly, well knowing they ſhall find their account therein. This is *One* thing an Oath of Abjuration will diſcover, it will diſcover *Our Diſtreſs*. *Secondly*, It will diſcover, who can ſerve the King no longer; that is certain: We ſhall ſee thereby, who they are, that can pay their Majeſties *no more* than Allegiance and Fidelity; that is, who can pay no more, than has at any time been paid, to all or any of their Predeceſſors, for above ſix hundred years; no more than any of their Predeceſſors have at any time demanded; this we ſhall ſee, and theſe Diſcoveries will be made thereby. But what ſhall we get by ſuch Diſcoveries? They will pleaſe no good Subjects; there will be little joy in ſeeing a great Number of good People, that ſerve their Preſent Majeſties with Faithfulneſs, and Honeſty, and Diligence, and with Affection too, diſpoſſeſs'd of their Employments, and incapacitated to ſerve them any longer: for to be ſure, no other but the Honeſt, Faithful, and the Conſcientious will be diſpoſſeſs'd thereby. No falſe Subjects, none that can play with an *Allegiance-Oath*, will forfeit any thing for fear of an *Abjuration-Oath*. An Abjuration-Oath will therefore diſcover thoſe who can ſerve their Majeſties as far as an Oath of Allegiance can carry them, but no farther; and that is a *Second* Diſcovery, but ſuch a One, as no good *Engliſh* Man can deſire to make, in your Opinion. *Thirdly*, An Abjuration-Oath, will diſcover, it is hoped — a ſhort Paſſage to the *Weſt* and *Eaſt Indies* — a Freſh *Spaniſh* Wreck — a new and ready way to Beneficial Offices, and great Preferments. If it do not lay open the Road to good Employments, by new Vacancies, it will be good for juſt nothing. If thoſe who take the Allegiance-Oath, ſhould chance to take (as who can tell?) the Abjuration-Oath, and continue as they were, you would hear no more talk of its great ſecurity, and tendency to the Eſtabliſhment of the Preſent Government. If this could

be

be foreſeen, an Oath of Allegiance would ſuffice (in their Opinion) for any King or Queen in Chriſtendom.

If you think, Sir, I go too far in this matter, I retract. I had rather much, be miſtaken in my gueſſes, than that any conſiderable Body of *Engliſh* Gentlemen ſhould prefer ſo vile and ſelfiſh a deſign, to the Peace and welfare of their Natural Country. But if you knew this part of mankind as well as I do, you would ſtill fear, that the way to Offices and good Preferments, was One of the Diſcoveries deſign'd to be made by an Oath of Abjuration, by a great many People. But, to draw to a Concluſion of this Head; an Oath of Abjuration muſt be altogether *Needleſs*, if it will effect no greater matters to the Security of the Preſent Government, than an *Oath of Allegiance* will do. Now, though all the Men in *England* who have taken the *Oath of Allegiance*, ſhould alſo take the *Oath of Abjuration*, yet it is from the Oath of *Allegiance and Fidelity*, the Government muſt look for, and find its Security, and not from the Oath of *Abjuration*. For he who has ſworn *Allegiance and Fidelity* to King *William* and Queen *Mary*, has ſworn, he will obey and ſerve them according to his Power, and ſhew himſelf a good and faithful Subject to them in the reſpective Poſt and Station, he is in. He is not only tied thereby to live peaceably and quietly under their Government, without offending againſt their Laws, or doing any thing to their prejudice, but he is tied to *activity* in their behalf and defence, if his Poſt and Station be ſuch as requires him to be *active*. No one, that in good Conſcience took the Oath to their Preſent Majeſties can find himſelf at liberty to ſerve, by any ways or means, one that would certainly dethrone them. This is, undoubtedly, the leaſt that an Oath of Allegiance can do, that it ties the Hands of all that take it, from lending any manner of Aid or Aſſiſtance to the *Late King* James. But if his Poſt be Active, he is farther

farther oblig'd thereby to be Active in their Defence. If a *Peer*, a *Councellor*, a *Biſhop*, and a *General*, take the Oath of *Allegiance* to King *William* and Queen *Mary*, they are undoubtedly oblig'd thereby, to adviſe faithfully and keep the Secrets, to pray for the Proſperity, and fight the Battles, of them. So that as far as, and wherever, the Office requires activity, the Oath obliges to it: and all the Security a Prince can expect muſt come and ariſe from the Obligation of ſuch an Oath. On the other hand, what would it ſignifie, or contribute, to the Security of their Preſent Majeſties, that a Man ſhould ſwear they were the Legal, Lineal, Juſt, and Rightful Poſſeſſors of the Crown, and renounce, abjure, and diſclaim, all Right and Title of the *Late King James* thereto; unleſs he held himſelf oblig'd, by virtue of his Oath of *Allegiance*, to keep and defend them in their preſent Poſſeſſion, to the beſt of his power, againſt all Claimers whatſoever? I know there is a great deal of difference, betwixt an Oath of Allegiance and Fidelity *Simply ſuch*, and an Oath of Allegiance which is alſo *Declarative of Right*. But the difference does not lie, in this, that an Oath Declarative of Right, is of greater ſecurity to the Prince, than an Oath of Allegiance without ſuch Declaration. For he who takes an Oath of Allegiance, gives him to whom he ſwears, a right to his Allegiance for the time to come, although he may be ſuppos'd to have had no right to it before, and therefore owes the Prince as much Allegiance after his Oath, as if he had in the Oath acknowledged him to be the moſt Rightful Prince in the World. As if a man oblige himſelf by Oath to pay another an hundred Pound, he is as ſtrongly oblig'd to pay it him, by virtue of his Oath, as if he had truly borrowed it in time paſt of him. The Oath has given the other a Right to the mony, and by the Oath the Promiſer is oblig'd to pay it. I do not ſay, that a man would not chooſe, if he could, rather to have a double Right to his

Mony, both that of Debt, and that of Oath, than a ſingle one of Oath; but I ſay that an Oath, (if the Man be able and conſcientious) will as certainly ſecure the Mony to the other, as both an Oath and Debt.

By this I mean to ſay, that the Oath of Allegiance is of it ſelf as great Security to the Prince, as if a Man ſhould withal both Recognize the Princes Right, and Abjure, and renounce to the Title and Right of any other. Becauſe the Security ariſes to the Prince from the poſitive Engagement of the Subject to do ſomething for him, to do nothing againſt him, to pay him Service and Obedience, and to defend him againſt his Enemies, to his Power; and not from acknowledging him to be the Rightful Prince, and ſwearing that another has no Right to his Allegiance, which may be true, but ſignifie nothing to his Security. It is therefore evident, that all the Security that can ariſe to the Prince, depends upon the honeſt Taking, and the honeſt Keeping of the *Oath of Allegiance*, which implies Obedience and Aſſiſtance; and that he who hath taken that Oath with good intent, hath thereby given himſelf a Bondſman, to pay Obedience and Aſſiſtance, which is as much as any Prince can either want, or have, from all the Recognitions and Acknowledgments of Right that can be made. And theſe are the Conſiderations upon which I ground my ſecond Concluſion, that *an Oath of Abjuration is altogether Needleſs*. It will not ſecure a King where an Oath of Allegiance will not. It will make no new Friends. It will fix no old Ones faſter. It will diſcover no Enemies. It will do nothing but Miſchief.

III. I have only now to ſhew you, in the third place, that *an Oath of Abjuration is impoſſible to be kept*. I have already conſidered the abjuring *the Right and Title of the late King* in the foregoing Article, and ſhewn the doing ſo (tho done with good Faith) would prove no manner of Security

Security to their Preſent Majeſties. The other part of Abjuration is of his *Perſon and Government*; as if we ſhould Swear—*We will not have this Man to Reign over us.* I ſay ſuch an Abjuration-Oath is, or may be, impoſſible to be kept; and therefore ſhould not be impoſed. For if he ſhould come in by Conqueſt, how can any ſingle Subject hinder him? If the obſtinate Fight at *Landen* had determin'd of that *valuable Life*, upon which our Safeties do all ſo much depend; if God in his Anger ſhould remove our excellent *Princeſs* (neither of which things were or are any way impoſſible) what would become of us? If therefore we mean any thing more by *abjuring his Perſon*, than that we wiſh he may never return, and that we will contribute neither Money, Counſel, neither Intelligence, nor corporal Aid, we muſt mean no ſenſe, for all beſides is no ſenſe; and if we mean nothing *but this*, we certainly mean and intend *this*, by our *Oaths of Allegiance and Fidelity*; for *they* exact as much as this comes to, at our Hands; to abjure him beyond this, is as if a Man ſhould take an Oath, never to have a *Fever*, which yet he cannot poſſibly prevent; he may promiſe ſafely, that he does not covet it, that he will live temperately, and pray to God to keep it from him, but he can't forſwear its ſeizing on him; and when it comes he muſt be patient under it. And ſure, it would be a hardſhip on a Man, to have more than this required, when 'tis impoſſible he ſhould perform more.

This, Sir, is my Senſe and Opinion of an Oath of Abjuration. If it hit not with yours, or any Man as wiſe and good, you will pardon it. If it convince any one otherwiſe minded, if it confirm and ſettle any one in the like; in a word, if it will do any good; if it will prevent any Evil or Confuſion, if it will any ways tend to the Security of their Preſent Majeſties, and the proſperous continuance of their Government over us, I ſhall be glad, and think

think my Time and Pains well ſpent. And whether it do any of this or no, I muſt be contented; I know I deſign'd it well, and I know moreover, that if I err in my Judgment, I err with good Company, even with the Major Part of the Honorable Houſe of Commons, in two ſucceſſive Seſſions, whoſe Judgment I muſt needs prefer to the beſt and moſt underſtanding Acquaintance you can poſſibly have.

I am, Sir, your Affectionate Humble Servant.

FINIS.